

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)
3 Chief, Criminal Division

4 PHILIP J. KEARNEY (CSBN 114978)
Assistant United States Attorney

5 450 Golden Gate Avenue
6 San Francisco, California 94102
7 Telephone: (415) 436-6758
Facsimile: (415) 436-7234

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)

Criminal No. CR 06-0815 SI

13 Plaintiff,)

14)
15) **STIPULATION AND [PROPOSED]**
ORDER EXCLUDING TIME

16 v.)

17 DENY SORTO-FUENTES,)

18 Defendant.)
19)

20 The above-captioned matter came before the Court on December 28, 2006, for
21 arraignment on the indictment in United States Magistrate Court. DENY SORTO-
22 FUENTES, was represented by Federal Public Defender Barry Portman, and the
23 government was represented by Philip J. Kearney, Assistant United States Attorney. The
24 Court continued the matter until January 12, 2007 at 11:30 a.m., for the defendant to
25 make his initial appearance before the Honorable Susan Illston in United States District
26 Court.

27 The Court made a finding that the time between December 28, 2006, and January

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12, 2007, should be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), because the ends of justice served by taking such action outweighed the best interest of the public and the defendant in a speedy trial. That finding was based on defense counsel's need for additional time to adequately prepare the matter, taking into account the exercise of due diligence. That finding should be made pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv).

The parties hereby agree to and request that the case be continued until January 12, 2007, at 11:00 a.m. and that an exclusion of time until that date be granted. The parties agree and stipulate that the additional time is appropriate and necessary under Title 18, United States Code, Section 3161(h)(8)(A), because the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial.

DATED: 12/28/06

/S/
BARRY PORTMAN, ESQ.
Counsel for DENY SORTO-FUENTES

DATED: 12/28/06

/S/
PHILIP J. KEARNEY
Assistant United States Attorney

So ordered.

DATED: December 29, 2006


BERNARD ZIMMERMAN
UNITED STATES MAGISTRATE

STIPULATION AND [PROPOSED]
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